

Notice of Allowability

Application No.

09/394,840

Examiner

Calvin L. Hewitt II

Applicant(s)

BAUM ET AL.

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3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Office Action mailed on 2-6-06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Noll on 28 April 2006.

2. The application has been amended as follows-
In the preamble of claim 11, replace "comprising the steps of:" with "comprising:".

Status of Claims

3. Claims 1-20 have been examined.
4. Claims 1-20 are allowed.

Reasons for Allowance

5. The instant application is directed to a method and apparatus for loading data, such as rate tables, onto postage meters.

Loading rate tables onto a postage meter are old and well known, for example, Bass et al. (US 6,041,319) teach downloading rate tables to a postage meter (abstract; column 8, lines 25-40). Determining available memory in a PC is also well known. For example, Holtey et al. (US 3,815,103) teach remotely determining the amount of memory required to run a program based program and the size of the available memory ('103, column/line 2/40-3/2), Bourgeois et al. (US 6,108,534) teach determining whether a receiving device has sufficient memory for storing a signal ('534, column 2, lines 35-55; column 4, lines 33-50), while Landis et al. (US 5,588,148) teach transferring data from a server to a client based on the memory capacity of receiving client. However, the present invention is distinguished from the prior art as neither, Bass et al., Holtey et al., Bourgeois et al., nor Landis et al. teach forming in a service device a status report of memory location occupancy of existing data in said memory said report comprising available bytes in said memory and transmitting the status report to a data center. The closest prior art of Markl et al. (US 5,710,706) disclose updating a rate table in a postage meter comprising the meter sending a request to a data center and selecting a non-volatile memory area in the meter for storing the requested data ('706, figures 11 and 12; column 21, lines 6-17; column 22, lines 12-28). However, the combined prior art singly or in combination do not teach or fairly suggest the data center, based on the status report and new service data,

forming recommendations for a future memory location occupancy in said service device wherein each recommendation designates a different memory location to be occupied by the new service data, checking the memory for feasibility as to memory location occupancy and loading the new service data into a memory location according to the recommendations.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- "Technology's stamp is on the mailroom"-Patricia M. Fernberg, Modern Office Technology, v31, p38
- Field discloses a method and apparatus for updating postal rates

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone

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number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.



Calvin Lloyd Hewitt II
Primary Examiner

April 27, 2006